



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

June 15, 2011

**VIA CERTIFIED MAIL AND REGULAR MAIL**  
**RETURN RECEIPT REQUESTED**

Resp-Org.com  
Attn: Bill Quimby  
2517 Rt 44, 11-222  
Washington Hollow Plaza  
Salt Point, NY 12578

Resp-Org.com  
c/o Technology Law Group, LLC  
Neil S. Ende, Counsel for Resp-Org.com  
Susan E. Coleman, Counsel for Resp-Org.com  
5335 Wisconsin Avenue, N.W, Suite 440  
Washington, DC 20015

RE: File No. EB-10-TC-480

Dear Mr. Quimby:

On March 9, 2011, the Telecommunications Consumers Division ("TCD") of the Enforcement Bureau ("Bureau") cited Resp-Org.com for violations of the Communications Act of 1934, as amended ("Communications Act" or "Act") and the Federal Communications Commission's ("Commission's") rules for failure to fully respond to a Bureau letter of inquiry ("LOI"), including submission of a supporting affidavit as required by the LOI.<sup>1</sup> The citation directed Resp-Org.com to comply with the LOI and warned that failure to comply could result in forfeiture penalties. Resp-Org.com subsequently responded to the LOI to the satisfaction of TCD, including supporting its responses with a sworn affidavit.

Accordingly, we decline to propose any penalties for Resp-Org.com's failure to initially comply with the terms of the LOI. Further, we grant Resp-Org.com's request and withdraw the citation issued for failure to respond to the Bureau's inquiry. Our action today is without prejudice to any enforcement action we may take in the future against Resp-Org.com for failure to comply with the Communications Act, our rules or any order of the Commission. We remind Resp-Org.com – and all others to whom we direct LOIs – that the Act gives the Commission broad statutory authority to investigate "any question [that] may arise under any

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<sup>1</sup> See *Resp-Org.com*, Citation, 26 FCC Rcd 3739 (Enf. Bur. 2011).

of the provisions of [the Act], or relating to the enforcement of any of the provisions of [the Act].”<sup>2</sup> The Act explicitly grants the Commission the “power to make and enforce any order or orders . . . relating to the matter or thing concerning which the inquiry is had. . . .”<sup>3</sup> Our investigatory authority therefore clearly and unambiguously encompasses the right to compel the production of information and documents related to questions of compliance with the Act, and includes the right to require respondents to support their answers with affidavits. Failure to respond to an LOI, fully and completely, in a timely manner, and with a supporting sworn affidavit, is a violation of a Commission order and could result in forfeiture.<sup>4</sup> The failure to respond hampers the Commission’s ability to investigate and resolve potential violations of law, and cannot and will not be tolerated.<sup>5</sup>

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<sup>2</sup> 47 U.S.C. § 403. *See also* 47 U.S.C. §§ 154(i) (authorizing the Commission to “issue such orders, not inconsistent with [this Act], as may be necessary in the execution of its functions”), and 154(j) (authorizing the Commission to “conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice”).

<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> *See SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7599-7600 ¶¶ 23-28 (2002) (ordering \$100,000 forfeiture for violating an Enforcement Bureau order to submit a sworn written response to a Bureau LOI); *Midcontinent Communications, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 24 FCC Rcd 976, 977 ¶¶ 3-5 (Enf. Bur. 2009), *modified on other grounds*, 24 FCC Rcd 1549 (Enf. Bur. 2009) (finding failure to fully respond to an Enforcement Bureau LOI “constitute[d] an apparent willful violation of a Commission order. . . .” (footnote omitted)); *Digital Antenna, Inc. Sunrise, Florida*, Notice of Apparent Liability for Forfeiture and Order, 23 FCC Rcd 7600, 7601-7603 ¶¶ 3-7 (Enf. Bur. 2008) (finding apparent liability for forfeiture for failure to provide complete responses to LOI and not supporting responses with a sworn statement or affidavit); *BigZoo.Com Corporation*, Notice of Apparent Liability for Forfeiture and Order, 19 FCC Rcd 24437, 24439-24442 ¶¶ 10-14 (Enf. Bur. 2004), Order of Forfeiture, 20 FCC Rcd 3954 (Enf. Bur. 2005) (assessing a monetary forfeiture for “failure to respond to a directive of the Enforcement Bureau [ ] to provide certain information and documents” in response to a LOI); *World Communications Satellite Systems, Inc.*, Notice of Apparent Liability for Forfeiture, 18 FCC Rcd 18545, 18546-18549 ¶¶ 4-10 (Enf. Bur. 2003), Order of Forfeiture, 19 FCC Rcd 2718 (Enf. Bur. 2004) (ordering a forfeiture for “violating a Commission order by failing to respond to a directive of the Enforcement Bureau [ ] to provide certain information and documents” in response to a Bureau LOI).

<sup>5</sup> Resp-Org.com and others receiving LOIs are reminded that they must respond to our LOIs “even if they believe them to be outside the Commission’s authority.” *SBC Communications, Inc.*, 17 FCC Rcd at 7591 ¶ 5. *See also* 47 U.S.C. § 416(c) (“It shall be the duty of every person, its agent and employees . . . to observe and comply with [Commission] orders so long as the same shall remain in effect”); 47 U.S.C. § 408 (Commission orders “shall continue in force for the period of time specified in the order or until the Commission or a court of competent jurisdiction issues a superseding order.”); *Midcontinent Communications, Inc.*, 24 FCC Rcd at 978 ¶ 7 (“[t]he Commission has broad investigatory authority, and Midcontinent is obligated to respond to our inquiries, even if it believes them to be outside the Commission’s authority.”); *World Communications Satellite Systems, Inc.*, 18 FCC Rcd at 18546-18547 ¶¶ 5 (“parties are required to comply with Bureau orders even if they believe them to be outside the Commission’s authority”).

Please contact Richard A. Hindman at (202) 418-7320 if you have any questions about this matter.

Sincerely,

Richard A. Hindman  
Division Chief  
Telecommunications Consumers Division  
Enforcement Bureau  
Federal Communications Commission